

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 4, 6-12, 14-16, 18, 19, 21-25, 27, 28, 30, and 32-35 are currently pending. Claims 1, 16, 25, 27, 28, 30, and 32-34 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 25, 27, 28, 30, 32 and 33 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 1, 16, 25, and 34 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement regarding the sensors recited in those claims; and Claims 1, 3, 4, 6-12, 14-16, 18, 19, 21-25, 27, 28, 30 and 32-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,108,782 to Fletcher et al. (hereinafter “the ‘782 patent”) in view of U.S. Patent No. 6,430,613 to Brunet et al. (hereinafter “the ‘613 patent”).

Applicants respectfully submit that the rejection of Claims 25, 27, 28, 30, 32 and 33 under 35 U.S.C. § 101 is rendered moot by the present amendment to Claim 25. Claim 25 has been amended to be recite a non-transmission computer readable storage medium storing computer program code that, when executed by a computer, causes the computer to monitor a monitored device connected to the first network with a remote monitoring computer connected to a second network. Accordingly, Applicants respectfully submit that Claim 1 excludes transmission media and is therefore statutory under 35 U.S.C. § 101.

Applicants respectfully submit that the rejection of the claims under 35 U.S.C. § 112, first paragraph, is rendered moot by the present amendment to the specification. In this regard, Applicants note that the specification incorporates by reference the contents of related Application Serial No. 09/457,669 to Motoyama, which has been patented as U.S. Patent No.

7,185,080. As described in columns 4, 5, and 6 of that patent, the '080 patent discloses a digital copier/printer 24 illustrated in '080 Figures 1 and 2. As described in '080 column 5, the digital copier/printer includes a sensor 104 and image density sensor 122. Further, the '080 patent discloses that "there is a duplexer 200 which allows a duplex operation to be performed by the digital copier and includes conventional sensors and actuators."<sup>1</sup> Further the '080 patent discloses that "the large capacity tray unit 198 includes conventional sensors and actuators."<sup>2</sup> Column 6 of the '080 patent also discloses scanner sensors, a toner sensor, and an image density sensor. Further, the '080 patent discloses that "the CPU or other microprocessor or circuitry executes the monitoring process to monitor the state of each of the sensors of the digital copier..."<sup>3</sup> The specification has been amended to incorporate a description of the monitoring of sensors of a digital copier. Accordingly, Applicants respectfully submit that the rejection of the claims under 35 U.S.C. § 112, first paragraph, is rendered moot.

Amended Claim 1 is directed to a computer-implemented remote device monitoring system, comprising: (1) a local monitoring computer configured to collect predetermined status information from a monitored device connected to a first network using an SNMP protocol, and to send the status information to a remote monitoring computer connected to a second network via a wide area network using a protocol, the status information being obtained from sensors in the monitored device; and (2) the remote monitoring computer configured to receive the status information using the protocol and to store the status information in association with an IP address of the monitored device in a digital repository connected to the second network, wherein the local monitoring computer is configured to automatically request the predetermined status information from the monitored device over

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<sup>1</sup> See '080 patent, column 5, lines 62-66.

<sup>2</sup> See '080 patent, column 6, lines 1-2.

<sup>3</sup> See '080 patent, column 6, lines 30-34.

the first network at regular, predetermined intervals, without receiving any instructions from the remote monitoring computer requesting that the predetermined status information be collected from the monitored device; and wherein, after initialization of the local monitoring computer, the local monitoring computer is configured to automatically send the collected status information to the remote monitoring computer, without receiving any instructions from the remote monitoring computer requesting that the collected status information be sent.. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.<sup>4</sup>

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Office Action asserts that the '782 patent discloses everything in Claim 1 with the exception of "device information being sent to the local monitoring computer the SNMP" and "automatically requesting status information at predetermined intervals," and relies on the '613 patent to remedy those deficiencies.

The '782 patent is directed to a method for the distributed collection of network statistics, including the steps of gathering network statistics at a plurality of nodes distributed in a network; transmitting data containing the statistics to a collector; combining the statistics from the plurality of nodes into group network statistics; and reporting the network performance data based on the compiled statistics from the collector to a network manager, wherein the multiple nodes correspond to a multicast poll from the collector, but that flooding of the collector is prevented by having each node delay its response by a random value. As shown in Figure 1, the '782 patent discloses a plurality of distributed remote network monitor (dRMON) agents that are software or software plus hardware components placed **within** a corresponding plurality of end stations (ESs). Further, the '782 patent discloses that, based

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<sup>4</sup> See, e.g., Figure 4 and the discussion related thereto in the specification, which discloses the regular, predetermined intervals recited in Claim 1.

on a polling packet from the collector, the dRMON agents forward their already collected statistics and/or capture packets to the dRMON collector, which exists somewhere in the network. Further, the '782 patent discloses that the dRMON agents are implemented in the C programming language and consist of executable code that is launched each time an end station is started or rebooted, and that the end station user is unaware of the agent's presence and can do nothing with regard to reconfiguring the end station.

However, as admitted in the outstanding Office Action, the '782 patent fails to disclose a local monitoring computer configured to collect status information from a monitored device connected to a first network using an SNMP protocol.

Further, as admitted in the outstanding Office Action, the '782 patent fails to disclose that the local monitoring computer is configured to automatically request the predetermined status information from the monitored device over the first network at regular, predetermined intervals, without receiving any instructions from the remote monitoring computer requesting that the predetermined status information be collected from the monitoring device, as recited in amended Claim 1. The '782 patent is silent regarding the dRMON agents collecting predetermined status information from the monitored device at regular, predetermined intervals.

The '613 patent is directed to a process and system for network and system management, wherein the process includes at least a submanager (COACH) located between a main manager (AD) and equipment units of a local area network. As shown in Figure 1, the '613 patent discloses that each end terminal (ET) includes an agent. Further, the '613 patent discloses that the submanagers at the local network level include a kernel module N as well as a plurality of modules that communicate with the kernel module. Regarding the collecting of information from the terminal equipment, the '613 patent discloses that alarms may be sent

to the alarm filtering module (MFA) at the local submanager level, wherein the alarms are filtered before being sent to the main manager.

However, Applicants respectfully submit that the '613 patent fails to disclose a local monitoring computer that is configured to automatically request predetermined status information from the monitored device connected to a first network using an SNMP protocol. Rather, the '613 patent discloses that **agents are embedded in the end terminals** and detect traps or alarms in the end terminals. The '613 patent does not disclose that the SNMP protocol is used for the agents to obtain information from the monitored end terminals, as required by Claim 1.

Further, Applicants respectfully submit that the '613 patent fails to disclose that the local monitoring computer is configured to automatically request the predetermined status information from the monitored device over the first network at regular, predetermined intervals, without receiving any instructions from the remote monitoring computer requesting that the predetermined status information be collected from the monitoring device, as recited in amended Claim 1. First, Applicants note that the '613 patent does not disclose the collection of predetermined status information, the status information being obtained from sensors in the monitoring device, as required by Claim 1. Rather, the '613 patent merely discloses that the alarm filtering monitor at the submanager level receives alarms (traps) sent by the agents in the equipment and filters the alarms to be sent to the main manager. Applicants respectfully submit that traps/alarms are not predetermined status information since the type of alarm that may be communicated is unknown until it occurs.

Further, Applicants respectfully submit that the '613 patent fails to disclose the regular, predetermined intervals recited in Claim 1. In this regard, Applicants note that page 5 of the outstanding Office Action asserts that the '613 patent discloses that alarms are sent automatically within a sub-network "within" a polling period, which is asserted to be

equivalent to the claimed predetermined period, and cites to column 4, lines 14-32 in the '613 patent. However, Applicants note that that passage in the '613 patent merely discloses that a model configuration module (MCM) includes alarm filter models and indicators that can be substantiated automatically in the equipment of the sub-network, each indicator being "associated" with a polling period. However, Applicants note that Claim 1 requires that the local monitoring computer automatically request predetermined status information from the monitoring device over the network at regular, predetermined intervals. The '613 patent does not disclose that the status information is requested from the monitored device at regular, periodic intervals, but merely discloses "a polling period" in which the agents are polled. This is merely a time interval, not regular, predetermined intervals. Applicants respectfully submit that the '613 patent does not disclose that polling is performed at regular, predetermined intervals and that the monitored devices are polled. Rather, the '613 patent discloses that the agents are polled, but does not disclose that they are polled at regular, predetermined intervals. Moreover, as discussed above, Applicants respectfully submit that the '613 patent does not disclose the polling the device for predetermined status information, but rather the polling of an agent for alarm or trap information already collected by the agent.

Thus, no matter how the teachings of the '782 and '613 patents are combined, the combination does not teach or suggest a local monitoring computer that is configured to automatically request the predetermined status information from the monitored device over the first network at regular, predetermined intervals, without receiving any instructions from the remote monitoring computer requesting that the predetermined status information be collected from the monitored device, as recited in amended Claim 1. Moreover, Applicants respectfully submit that no matter how the teachings of the '782 and '613 patents are combined, the combination does not teach or suggest a local monitoring computer configured to collect predetermined status information from a monitored device connected to a first

network using an SNMP protocol, as required by Claim 1. Rather, both the '782 and '613 patents disclose the use of embedded agents in end equipment.

Further, Applicants note that the '782 patent discloses that "RMON provides autonomous network management/monitoring, unlike SNMP which requires periodic polling of ESs."<sup>5</sup> Thus, Applicants respectfully submit that the '782 patent teaches away from a system in which predetermined status information is requested from a monitored device over a network at regular, predetermined intervals, as recited in Claim 1. Accordingly, for this additional reason, Applicants respectfully submit that amended Claim 1 patentably defines over any proper combination of the '782 and '613 patents.

Independent Claims 16, 25 and 34 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 16, 25, and 35 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of Claims 16, 25, and 34 (and all associated dependent claims) are rendered moot by the present amendment to the Claim 1.

Thus, it is respectfully submitted that independent Claims 1, 16, 25, and 34 (and all associated dependent claims) patentably define over any proper combination of the '782 and '613 patents.

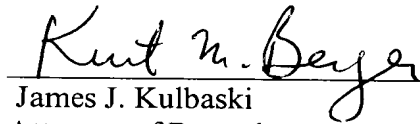
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<sup>5</sup> See '782 patent, column 4, lines 26-28.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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